THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.955 of 2006

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17th January 2006

Between:

Syed Jawahar Basha, S/o. Syed Hazarath Peeran,
R/o. H.No. 1/47, Eguvapeta, Sidhout (M) & (V), Kadapa District.

...PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Conservation Assistant Archeological Survey of India, 19/102,

2nd Floor, Kadapa District.
3 The Mandal Revenue Officer, Sidhout Mandal, Kadapa District.
4 The Station House Officer, Sidhout P.S. Kadapa District.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.955 of 2006

ORDER:

Heard both the sides.

The petitioner filed this Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in issuing proceedings No.KDP/M/(S)/06/25 dated 12.01.2006 issued by the second respondent and B/9/2006 dated 12.01.2006 by the third respondent as illegal and arbitrary.

It is stated that the petitioner's brother namely Syed Gowhar Basha, who was employed in Kuwait and holder of the Indian Pass Port, died on 09.01.2006 due to heart failure. The dead body reached to Kadapa from Chennai. While so, the second respondent addressed a letter dated 12.01.2006 to the District Collector, Kadapa District stating that the staff working in the Sidhout Fort informed that the petitioner is planning for the funeral of his brother at the Mosque situated inside the Sidhout Fort, which is a prohibited area and highly objectionable under AM & ASR Rules, 1959 and its Gazette notification 1992 and the Central Government declared the areas up to 100 meters and beyond it up to 200 meters from the protected limits as prohibited

and regulated areas respectively for purposes of both minimizing operation and construction and therefore, requested the District Collector to stop the funeral in the prohibited area in the interest of Government for preserving the National Cultural Heritage. Pursuant to the said letter dated 12.01.2006 of the second respondent, the Mandal Revenue Officer ('the MRO' for short) addressed a letter dated 12.01.2006 to the S.H.O., Sidhout Police Station stating that the adjoining areas of old monuments are prohibited for the purpose of both minimizing operation and constructions from up to 200 meters from the Fort limits. It is stated that the petitioner made a representation before the MRO, Sidhout and after considering the representations of the petitioner and of one Sri K.V.Narasaiah, MIC of Sidhout Fort, the Conservation Assistant, Archeological Survey of India, Kadapa, the MRO, Sidhout submitted a detailed report on 12.01.2006 to the District Collector, Kadapa stating that one family is residing in the premises at Para Kota and performing daily traditional customs in Darga i.e., cleaning and letting of agarbatties daily near tombs of sacred persons and the family of Syed Mohiddin Peeran Sidhout and his blood relatives' dead bodies were buried in Darge Sunnry which is located in Para Kota of Sidhout Fort. It is stated that in fact Sidhout Fort is not one of the protected monuments prohibited for minimizing and construction operations. It is further stated that the petitioner and his family gave their will to simply burry the dead body of the petitioner's brother without constructing any pucca tomb and accordingly a report was submitted to the District Collector for issuing necessary instructions so as to burry the dead body. It is stated that the District Collector has not taken any decision on the said report.

Having regard to the facts and circumstances of the case, I am of the opinion

that it is just and proper for the District Collector, Kadapa District to take a decision on the report submitted by the Mandal Revenue Officer vide reference No.B/9/2006 dated 12.01.2006 and pass appropriate orders forthwith preferably within two days from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J)

17th January 2006

Note: CC today

B/O

RRB